

# Five-year fight to clean fouled water stagnates

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More than five years have passed since two Old Bridge chemical companies were convicted of polluting part of Perth Amboy's water supply and were ordered by a judge to clean up the contamination.

Today, more than 400 tons of pollutants still sit in the Prickett's Brook section of the Runyon Watershed, and the cleanup is stuck in a tug-of-war between Perth Amboy officials and the convicted polluters.

Perth Amboy says the two Old Waterworks Road companies — Madison Industries Inc. and CPS Chemical Co. — have a legal obligation to adhere to the court's original plan, which calls for the construction of a large underground wall of clay. The wall, in what engineers refer to as the "bathtub effect," would be built around the perimeter of the contamination site and would confine the pollutants.

Engineering consultants hired by CPS and Madison argue that the bathtub plan cannot be implemented because a clay layer beneath the watershed is not continuous enough to serve as an impenetrable bottom to the proposed wall.

Perth Amboy officials disagree, and say the companies are trying to get away with a less expensive plan to clean up the site, which ranks fourth on the state's priority list for hazardous waste cleanup and 12th on the federal Superfund priority list.

The watershed, located in Old Bridge but owned by Perth Amboy, is not eligible for public cleanup funds because the polluters have been identified.

Officials from Perth Amboy question why it took five years for the companies to examine the clay layer.

"To come in and say the clay isn't there now, instead of saying it wasn't there when the original order was made ... is ludicrous," said Albert W. Seaman, a Perth Amboy attorney who has represented the city since the CPS-Madison case began. "They've had five years and four months of laughing" at the court order.

"They've avoided their responsibility, and they want to give us less than what we got," Seaman said angrily. "We got the verdict! We won the case! We don't want anything less" than what the court ordered.

Representatives of CPS and Madison, as well as some Old Bridge officials, blame the delays on Perth Amboy, saying the cleanup would already be under way if the city had accepted the alternate plan.

That plan, proposed last year by the chemical companies and endorsed by the state Department of Environmental Protection, calls for a crescent-shaped containment wall to be built within the polluted watershed. It also calls for the contaminated water to be pumped out, treated by Madison Industries and treated again by the Middlesex County Utilities Authority.

"Our position," said Madison attorney William Bigham, "is that you cannot do what the court order says, because the court made a major mistake — the court assumed there was a continuous clay layer."

CPS and Madison have hired engineers, who drilled into the bottom of the watershed and found that the clay layer is irregular and discontinuous in some areas, Bigham said.